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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 WILLIAM PIERCE, individually,
12 Plaintiff,

13 vs.

14 SOUTHWEST AIRLINES CO.; DOES I-X;
and ROE CORPORATIONS I-X, inclusive,
15 Defendants.
16

Case No. 2:24-cv-00683-APG-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(FIRST REQUEST)**

17 Defendant, SOUTHWEST AIRLINES CO., by and through its counsel of record, Mark C.
18 Severino and Taylor Buono of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, and Plaintiff,
19 WILLIAM PIERCE, by and through his counsel of record, Leslie Stovall and Ross Moynihan of
20 Stovall & Associates, hereby respectfully request and stipulate to a 90-day extension of all
21 remaining deadlines to FRCP 26, and propose a revised discovery scheduling order, as described
22 below:

23 **I. Summary of Discovery Completed**

24 The Rule 26(f) conference was held on May 8, 2024. Following the Rule 26(f) conference,
25 the proposed Discovery Plan and Scheduling Order was filed on May 24, 2024, and approved by
26 this Court on May 28, 2024. Both Plaintiff and Defendant served their initial disclosures on May
27 28, 2024. Plaintiff served his first and second supplemental disclosures on July 18, 2024, and August
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1 7, 2024, respectively.

2 On June 6, 2024, Defendant propounded requests for production of documents, requests for
3 admission, and interrogatories upon Plaintiff. On July 9, 2024, Plaintiff requested an extension to
4 serve responses to Defendant's written discovery until July 15, 2024. The extension was granted.
5 On July 15, Plaintiff requested a second extension until July 19, 2024, which was again granted.
6 Plaintiff served his responses to Defendants Interrogatories, Document Requests, and Requests for
7 Admissions on July 19, 2024.

8 Since the inception of this case, Defendant has sought to obtain an independent set of
9 Plaintiff's medical records. For reasons outside of counsel's control, there has been a significant
10 delay in obtaining the records. This has slowed the prosecution of this case. Namely, the Defendant
11 cannot evaluate which medical providers should be deposed, and it cannot retain experts without a
12 complete set of independent medical records.

13 Accordingly, on August 7, 2024, the parties reached their first agreement to continue the
14 discovery deadlines in order to accommodate Defendants need for more time to obtain a complete
15 set of Plaintiff's medical records.

16 **II. Discovery Remaining**

17 The parties anticipate completing the following discovery:

- 18 1. Production of additional documents being obtained from Plaintiff's providers;
- 19 2. Deposition of Defendant's FRCP 30(b)(6) designees;
- 20 3. Deposition of Plaintiff (dates are being discussed and should be decided upon soon);
- 21 4. Depositions of fact witnesses;
- 22 5. Third party discovery, including any additional subpoenas to be issued;
- 23 6. Expert report disclosures – initial and rebuttal; and
- 24 7. Depositions of Experts.

25 **III. Why the Remaining Discovery Could not be Completed**

26 The parties have been actively working together to engage in discovery and move this matter
27 forward. For reasons outside of counsel's control, Defendant has not been able to obtain a
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independent, complete set of Plaintiff's medical records. They are currently being sought and obtained as quickly as possible.

Despite the work described above, neither party yet has the factual information needed to prepare for expert witness disclosures. Defendant is working diligently to gather medical records but still needs additional records and imaging to provide to its expert.

In addition, the parties wish for additional time to see if they can negotiate a mutually agreeable resolution prior to retaining experts, incurred unnecessary cost, and needlessly tying up judicial resources.

IV. Proposed Schedule for Completing All Remaining Discovery

Pursuant to LR 26-4, the parties propose to extend the current deadlines and jointly submit the following to the Court:

	Current Deadline	Proposed Deadline
Amending Pleadings and Adding Parties	September 9, 2024	December 9, 2024
Initial Expert Disclosures & Interim Status Report	September 9, 2024	December 9, 2024
Rebuttal Expert Disclosures	October 9, 2024	January 9, 2025
Discovery Closes	November 8, 2024	February 7, 2025
Dispositive Motions	December 9, 2024	March 7, 2025
Pre-Trial Order, if no Dispositive Motions	January 8, 2024	April 7, 2025

DATED this 20th day of August, 2024.

STOVALL & ASSOCIATES

/s/ Ross Moynihan

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DATED this 20th day of August, 2024.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

/s/ Mark C. Severino

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ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 8/21/2024